
OLR Bill Analysis

sHB 5480

AN ACT REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT PLANT SCIENCE RESEARCH AND EDUCATION FACILITY AND PROHIBITING TAMPERING WITH HYDRANTS.

SUMMARY:

This bill prohibits opening, operating, taking water from, or tampering with a hydrant, or taking water from or tampering with a public water supply reservoir without (1) legal authority to do so or (2) consent from the water utility, municipality, or other entity that owns or controls the hydrant or reservoir. Violators are subject to a \$500 fine for a first offense and a \$1,000 fine for subsequent offenses. The bill subjects violators to the mail-in procedures for infractions and certain violations, allowing them to pay the fine or plead not guilty and request a trial, without having to appear in court.

The bill also requires the Department of Energy and Environmental Protection (DEEP), in consultation with the Department of Public Health, to conduct an assessment of the University of Connecticut's (UConn) Plant Science Research and Education Facility by October 31, 2013. The agencies must provide any recommendations for legislation or revised practices that they determine are needed based on the assessment to the Environment Committee by February 1, 2014.

The assessment must include an examination of the facility's (1) procedures for pesticide storage and application; (2) protocols to ensure safe pesticide application, including pesticides that require a U.S. Environmental Protection Agency experimental use permit; and (3) water testing regimen. The water testing regimen evaluation must include a review of the (1) timing, locations, and types of testing involved; (2) number of wells subject to testing; and (3) types of pesticides identified by the testing.

The bill also transfers to DEEP for FY 14 up to \$100,000 of the amount appropriated in the 2013 biennial budget bill (HB 6350, Section 1) to UConn for FY 14 operating expenses. DEEP must (1) use the funds to investigate groundwater flow quality in bedrock and (2) enter into a memorandum of understanding with UConn to achieve this purpose.

EFFECTIVE DATE: Upon passage, except the provision transferring certain appropriated funds from UConn to DEEP takes effect July 1, 2013.

BACKGROUND

Related Laws

By law, theft of utility service (e.g., electric, gas, water, or telecommunications) is considered larceny. This includes tampering or connecting to equipment used by a water supplier, without the supplier's consent, to avoid paying. The punishment depends on the value of the property or service taken, ranging from a class C misdemeanor when the value is \$500 or less to a class B felony when the value is more than \$20,000 (CGS § 53a-119).

The law also prohibits causing or allowing any pollutant or harmful substance to enter a public water supply reservoir or its tributaries and subjects violators to a fine of up to \$500. A person who causes or allows a pollutant or harmful substance to enter a reservoir, lake, pond, or a stream tributary to these waters, after being notified that the water source supplies residents with water, is subject to the same fine, imprisonment for up to 30 days, or both. The law allows a water company to bring a civil action in Superior Court to recover damages, expenses, and costs from responding to these violations and remediating and abating any contamination (CGS § 25-43).

Legislative History

The House referred the bill (File 498) to the Appropriations Committee, which reported out a substitute adding the provision transferring up to \$100,000 of certain appropriated funds in the 2013 biennial budget bill from UConn to DEEP to investigate bedrock

groundwater flow quality.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7 (03/25/2013)

Appropriations Committee

Joint Favorable Substitute

Yea 40 Nay 10 (04/30/2013)